many more are stuck in our antiquated immigration system. Next year, I will continue fighting to secure the dignity of immigrants in our communities.

I would like to thank Chair DELAURO and her staff for their tireless work to negotiate this important legislation, and I look forward to voting in favor.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 27, 2022

Ms. LOFGREN. Madam Speaker, on December 22, 2022, I instructed via email communication that my proxy record a NAY vote on the passage of S. 3773. However, the proxy inadvertently voted different from my instructions on Roll Call No. 541, the passage of S. 3773. I was recorded as voting YEA, when I instructed a NAY vote.

PERSONAL EXPLANATION

HON. RITCHIE TORRES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 27, 2022

Mr. TORRES of New York. Madam Speaker, on Friday, December 23, 2022, I was not present in the House Chamber. Had I been present, I would have voted YEA on Roll Call No. 547.

EMMETT TILL AND MAMIE TILL-MOBLEY CONGRESSIONAL GOLD MEDAL ACT OF 2021

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 29, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in support of S. 450, Emmett Till and Mamie Till-Mobley Congressional Gold Medal Act of 2021 which will posthumously award a Congressional Gold Medal in commemoration of Emmett Till and Mamie Till-Mobley. After which, the medal will be given to the National Museum of African American History and Culture.

I loudly applaud and support the Emmett Till and Mamie Till-Mobley Congressional Gold Medal Act of 2021. The passage of this legislation is long overdue and today is a monumental day for the United States of America.

This bill, the Emmett Till and Mamie Till-Mobley Congressional Gold Medal Act of 2021, provides for the posthumous presentation of a Congressional Gold Medal in commemoration of Emmett Till and Mamie Till-Mobley.

After the award, the medal shall be given to the National Museum of African American History and Culture.

In January of 1900, Ida B. Wells gave a speech declaring that our country's national crime at the time was lynching.

Lynching was a terror tactic frequently used against African Americans in the Jim Crow South. At the time, no colored man was safe from lynching if a white woman, no matter what her standing or motive, cares to charge him with insult or assault.

Unfortunately, many innocent adolescents like Emmett Till fell victim to these tortuous killings.

Emmett Till was brutally murdered on August 28, 1955, for allegedly flirting with a white woman four days earlier.

The white woman, her husband and brother, made Emmett carry a 75-pound cotton gin fan to the bank of the Tallahache River. They then forced Emmett to remove his clothes.

The 2 men began beating Emmett, nearly to death, gouged his eye out, shot him in the head and then threw his body into the river.

Despite malicious efforts from authorities to quickly bury Emmett's body, his mother, Mamie Bradley demanded it be sent back to Chicago.

Here is where she decided to invite media outlets to Emmett's funeral, left his casket open during the funeral, and let these media outlets show the world what racist murderers had done to her only son.

It is, of course, fitting, and proper that this legislation bears the name of Emmett Till and his mother, Mamie Till-Mobley. Till's slaying in 1955 and his mother's decision to have an open casket at his funeral, stirred the Nation's conscience and galvanized a generation of Americans to join the fight for equality.

Fast forward to 1998 in the small town of Jasper, Texas, three white men offered James Byrd, Jr. ride home.

The next morning James Byrd, Jr.'s body was found. He was beaten, chained to the back of a truck, had spray paint all over his face, and dragged alive until he was decapitated, all because of the color of his skin.

This was an act of unfathomable racist brutality.

On February 23, 2020, Ahmaud Arbery was fatally shot and killed by Travis McMichael and his father George McMichael. Ahmaud Arbery was jogging through his neighborhood, unarmed, and was tragically killed by the McMichaels who claim they thought he was a local burglar.

They followed him in their truck and eventually shot him as he struggled fighting Travis off.

Local law enforcement attempted to cover up the killing by telling Arbery's family that he had been killed while committing a crime and that the men who shot him would face no charges.

Luckily, footage of the incident was taken and this footage was widely shared.

Finally, after national outcry sparked activism, the McMichaels were arrested and charged, and convicted in the killing of Ahmaud Arbery and given a life sentence.

This tragedy was immediately characterized as yet another modern-day lynching.

More than 150 years since Reconstruction, some still try to utilize false narratives that dehumanize people of color suspected of crimes to legitimate their inhumane treatment.

Sadly, hundreds of thousands of people of color have been killed, and many of the killers, like those of Emmett himself, were never successfully prosecuted.

Over the past half century, the United States has made tremendous progress in overcoming the badges and vestiges of slavery. But this progress has been purchased at great cost.

The Emmett Till and Mamie Till-Mobley Congressional Gold Medal Act of 2021 will ensure that Emmett Till and Mamie Till-Mobley are properly honored for their sacrifice and commitment to equality and justice.

In doing so, this legislation will help move this Nation one step closer to fulfilling its promise that in America all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2617, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023; RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 4373, FURTHER ADDITIONAL CONTINUING APPROPRIATIONS AND EXTENSIONS ACT, 2023; RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1082, SAMI'S LAW; AND FOR OTHER PURPOSES

SPEECH OF

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 23, 2022

Mr. SCOTT of Virginia. Mr. Speaker, I intend to vote yes on the end-of-year funding bill. However, I object to a provision added by the Senate to the Pregnant Workers Fairness Act (PWFA). The PWFA ensures that pregnant workers who work for employers with 15 or more employees have access to reasonable accommodations in the workplace for pregnancy, childbirth, and related medical conditions.

Pregnant workers are just as capable as their colleagues, but if they are denied reasonable accommodations, such as water or rest breaks, some workers face increased health risks including premature births, pregnancy complications, and even miscarriage. The purpose of the Pregnant Workers Fairness Act (PWFA) is to ensure that pregnant workers do not have to make the difficult choice between financial security and a safe and healthy pregnancy. Despite the purpose of the bill—which is to expand the accommodations for pregnancy, childbirth, or related medical conditions—language was added by the Senate that may undermine the bill's purpose.

When the Senate finally considered the PWFA on December 8, 2022, it was after languishing in that chamber for over one and one-half years. It should be noted that PWFA passed the House of Representatives by a vote of 315 to 101, on May 14, 2021, with over 230 organizations ranging from the business community to religious organizations and other groups. Not a single one of these organizations demanded language to exempt employers from providing accommodations to pregnant and other workers with related conditions on the basis of the religious views of the employers.

Moreover, when the Senate debated to take up the PWFA by unanimous consent consideration on December 8, 2022, the text of the bill did not contain the religious exemption language. Confidently, Senator CASEY of Pennsylvania declared that the bill ''when it comes to a final vote, will have at least 60 votes in the Senate, if not more. I think it will be more than that.'' During the debate, Senator TILLIS of North Carolina objected to the unanimous consent consideration of PWFA because it ''would give Federal bureaucrats at the EEOC authority to mandate that employers nationwide provide accommodations such as leave to obtain abortions on demand under the guise of a pregnancy-related condition.''

Senator CASSIDY of Louisiana rejected to that characterization of the bill and noted the support of the U.S. Conference of Catholic Bishops. Senator CASSIDY read into the record the position of the Catholic Bishops:

''We believe that [this] version of the bill, read in light of existing liberty protections, helps advance the [U.S. Conference of Catholic Bishops'] goal of ensuring that no woman ever feels forced to choose between her future and the life of her child while protecting the conscience rights and religious freedoms of employers.''

Senator CASSIDY went on to say that ''the pro-life position is to make an accommodation for that woman who has those needs so she can safely carry the baby to term.'' He further added that the PWFA passed the House with a bipartisan vote 315 and was adopted by the Senate HELP Committee with a bipartisan vote of 19–2, with the endorsement of the Chambers of Commerce and March of Dimes, among others.

When Senator TILLIS pressed for language regarding the religious entity exemption from section 702 of the Title VII of the Civil Rights Act of 1964 (Title VII), Senator CASSIDY stressed that the Conference of Catholic Bishops endorsed this bill because the Title VII exemption was untouched by the PWFA. Senator CASSIDY made clear that the bill does not touch Title VII's exemptions which allows, ''employers [pastors and ministers and Rabbis] to make employment decisions based on firmly held religious beliefs. This bill does not change this.''

And yet, just days before the funding of the government runs out, the Senate inserted a ''Rule of Construction'' which incorporates the religious entity exemption from Title VII, countering the very points made just days earlier. The lack of legal analysis and evaluation of this Rule of Construction has given me pause and there is concern that this ''Rule of Construction'', may be interpreted to allow certain employers to deny pregnant workers reasonable accommodations based on the employers' religious beliefs. I object to adding this religious exemption to this bill for a number of reasons.

First, this exemption is in direct contradiction with, and undermines the purpose of, the bill—by opening the door to discrimination against the very people we are trying to protect. When the House Education and Labor Committee marked up this bill on March 24, 2021, a similar amendment was offered by Mr. FULCHER of Idaho to exempt religious organizations from coverage under the bill. The amendment, which would have allowed religious organizations to deny workers reasonable accommodations under the law, was defeated by a vote of 20 Yeas and 27 Nays. Specifically, it was the position of the Committee that this very language would open the door to employers seeking religious exemption.

A witness testifying before the House Committee on Education and Labor, Dina Bakst, Co-Founder & Co-President from A Better Balance: The Work & Family Legal Center, testified that her organization had conducted a legal analysis of nearly 1,000 court cases invoking the Title VII religious exemption involving an employer objecting to providing pregnancy accommodations. Ms. Bakst said, ''from a legal standpoint, inserting an exemption for religious employers is simply extraneous and unnecessary.'' Further, Ms. Bakst testified that not only is the exemption ''already unnecessary'' but also that ''ample escape hatches already exist for religious employers.'' She added that ''I would hope that most employers, especially those that are religious, would be amenable to providing such simple measures to their employees to safeguard their well-being.''

Second, I object to adding this exemption because it is unnecessary. Religious employers are already afforded significant protections to exercise their religious beliefs under Supreme Court precedent and various federal laws including, for example, the ministerial exception, which provides certain religious employers a constitutionally recognized exemption to federal antidiscrimination laws and applies to employees who preach and teach the employer's religious tenets. Religious employers can also invoke the Religious Freedom Restoration Act of 1993, which requires that government action that substantially infringes on a person's exercise of religion serve a compelling government interest and be the least restrictive means to achieve that interest.

Third, because the religious exemption language was hastily included in this bill by the Senate, there has not been any analysis for the record that examines the meaning and the long-term impact of its inclusion. For example, the ''Rule of Construction'' uses the term ''religious employment,'' but this term is not defined in the bill nor is it included in the text of Section 702 of Title VII, which means that it may be interpreted in multiple ways by religious employers and the courts regardless of intent. Additionally, while the existing Title VII religious exemption is reserved for religious discrimination and the hiring of ''co-religionists,'' the Rule of Construction provision now applies the Title VII exemption to PWFA's requirements. It is unclear what the inclusion of such language pertaining to hiring means in a bill that is meant to require pregnancy-related accommodations. I am deeply concerned that it could mean that employers who qualify for the exemption are not required to accommodate pregnancy, childbirth, or related medical conditions, thereby authorizing a blanket exemption for religious employers. For example, would an employer now be able to use their religious viewpoint against a pregnant worker's single parent status, ''mixed-race'' relationship, ''mixed-religion'' union, IVF treatment, or same-sex relationship, etc.?

My concern about the expansion of religious exemption to protective workplace discrimination and accommodation laws was underscored by the Supreme Court decision in the Burwell v. Hobby Lobby, Inc. case. In that decision, the Court concluded that a for-profit corporation could be considered a ''person'' under the Religious Freedom Restoration Act (RFRA) and therefore assert a religious objection to providing contraception coverage for their employees. In contrast, the religious exemption for qualifying employer under Title VII is narrow, afforded only to a ''religious corporation, association, educational institution, or society,'' and no court has ever upheld a for-profit organization to qualify for the exemption. Yet, in 2020, the Trump Administration finalized a rule for the Office of Federal Contract Compliance Programs opening the door to the religious exemption to some for-profits. Further, the EEOC under the Trump Administration approved, an updated Compliance Manual on Religious Discrimination attempts to stretch the exemption to some for-profits, noting that ''Title VII case law has not definitely addressed whether a for-profit corporation that satisfies the other factors can constitute a religious corporation under Title VII.'' By including the Rule of Construction in PWFA, we have injected uncertainty instead of affirming unequivocal protections for pregnant workers.

It is also unclear how the religious exemption will be interpreted when read in conjunction with Section 7 of the bill, which provides that PWFA does not invalidate or limit state or local laws that provide equal or greater protection for pregnancy, childbirth, or related medical conditions. Adding the religious exemption could undermine this principle and result in these workers having less protections under relevant state or local laws.

The fourth and final reason I object to this language is because just a year and a half ago, the House passed the PWFA, with a strong bipartisan vote of 315 Yeas to 101 Nays, without a religious exemption. The inclusion of this language by the Senate is unfortunate and, the repercussions may befelt by vulnerable workers we are supposed to protecting. Put plainly, the continued expansion of religious exemption turns the purpose of the law on its head. Instead of the law protecting employees from discrimination and the lack of accommodations, these religious exemptions are being used as to protect the employer's right to discriminate and deny basic accommodation. For these reasons, I strongly object to including a religious exemption under Section 7B, the Rule of Construction, in Pregnant Workers Fairness Act.

Moreover, I am disappointed that numerous proposals that I have long-championed—including the Child Abuse and Prevention and Treatment Act reauthorization, the Family Violence Prevention and Services Act reauthorization, the National Apprenticeship Act reauthorization, and a comprehensive Child Nutrition Reauthorization—have been left on the chopping block yet again. These proposals are among the many advanced under my leadership on the Education and Labor Committee that respond to the needs of America's students, workers, and families. To omit these proposals and others from the omnibus appropriations bill is a disservice to the American people.